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Atty. Docket No. JCI01 P-1010

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November 10, 2003



Deborah A. Witvoet

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Art Unit	:	1764
Examiner	:	Jerry D. Johnson
Applicants	:	Tony M. Pokorzynski et al.
Appln. No.	:	09/074,288
Filing Date	:	May 7, 1998
Confirmation No.	:	1982
For	:	FIBER-REINFORCED VEHICLE INTERIOR TRIM AND METHOD OF MANUFACTURE

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

REQUEST FOR REHEARING UNDER 37 C.F.R. §1.97(B)

In response to the Board's Decision on Appeal mailed September 10, 2003, Appellants hereby request a Rehearing to consider the following points believed to have been misunderstood or overlooked in rendering the Decision.

The Board of Patent Appeals and Interferences did not understand that the prior art does not teach or suggest an article meeting all of the requirements of the claims at a single moment in time. Neither of the applied prior art references teaches or suggests an article that simultaneously has a porous substrate and an upholstery skin that is bonded to the porous substrate, as is required by the claims. While the prior art teaches an article that is prepared using a porous material, and includes an upholstery layer, it is not until after the originally porous material has become completely impregnated by a resin composition and has lost its porous character that the upholstery becomes bonded to the resulting non-porous substrate. Thus, while the prior art teaches the individual elements of the claims, it does not teach or suggest the claimed combination.

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Further, the Decision was based on a conclusion that “[l]ike Rohrlach’s panel, the claimed invention encompasses structure in which the ‘porous substrate’ is completely penetrated by and embodied within a foam.” Thus, the Board has based their decision on the mistaken belief that Rohrlach teaches a porous substrate that is completely penetrated by a foam. Rohrlach only teaches a porous substrate that is completely penetrated by a liquid (non-foam) resin (column 2, lines 44-50), and is no longer porous by the time the resin cures and bonds the substrate to the upholstery.

The Board’s Decision is based on a misunderstanding of the prior art, and not based on an ordinary interpretation of the claims, but is instead based on interpreting the word “porous” to mean “non-porous.” This cannot be the Board’s intent.

In view of the above, Appellants respectfully request reconsideration and reversal of the rejections.

Respectfully submitted,
TONY M. POKORZYNSKI ET AL.

By: Price, Heneveld, Cooper,
DeWitt & Litton

November 10, 2003
Date

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